## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION CASE NO. 3:18-CR-229-FDW-DCK

UNITED STATES OF AMERICA,	)
Plaintiff,	ORDER OF CONTINUING GARNISHMENT
v.	)
	)
ERIC PATRICK MARECHAL,	)
Defendant,	)
and	)
PALMETTO SOLAR, LLC,	) ) )
Garnishee.	)

THIS MATTER IS BEFORE THE COURT on the Government's "Motion For Order Of Continuing Garnishment" (Document No. 15) filed December 14, 2022. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will grant the motion.

Judgment in the criminal case was filed on June 13, 2016 (Document No. 1-2). As part of that Judgment, Eric Patrick Marechal ("Defendant") was ordered to pay an assessment of \$100.00 and restitution of \$456,411.48 to the victims of the crime. <u>Id.</u>

On October 25, 2022, the Court entered a "Writ of Continuing Garnishment" (Document No. 11) (the "Writ") to Palmetto Solar, LLC ("Garnishee"). Defendant was served with the Writ on October 29, 2022, and Garnishee was served on October 28, 2022. Garnishee filed an "Answer ..." (Document No. 14) on November 14, 2022. The Answer states that at the time of the service

of the Writ, Garnishee had in its custody, control or possession property or funds owned by

Defendant, including non-exempt, disposable earnings. Defendant has not requested a hearing,

and the statutory time to do so has elapsed.

IT IS, THEREFORE, ORDERED that an Order of Continuing Garnishment is hereby

ENTERED in the amount of \$450,810.70 computed through October 20, 2022. Garnishee shall

pay the United States up to the lesser of: (1) twenty-five percent (25%) of Defendant's disposable

earnings which remain after all deductions required by law have been withheld; or (2) the amount

by which Defendant's disposable earnings for each week exceed thirty (30) times the federal

minimum wage. See 15 U.S.C. § 1673(a). Garnishee shall continue payments until the debt to

Plaintiff is paid in full or until Garnishee no longer has custody, possession or control of any

property belonging to Defendant, or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

Clerk of the United States District Court

401 West Trade Street Charlotte, North Carolina 28202

In order to ensure that each payment is credited properly, the following should be included

on each check: Court Number DNCW3:18CR229.

IT IS FURTHER ORDERED that Garnishee will advise this Court if Defendant's

employment is terminated at any time by Garnishee or Defendant.

Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program.

Under this program, any federal payment the Defendant would normally receive may be offset and

applied to this debt.

SO ORDERED.

Signed: December 15, 2022

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